

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL
SERVICES PROGRAM, NATIONAL
CONSUMER LAW CENTER, and
ALLIANCE FOR JUSTICE, for themselves
and all others similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

Case No. 1:16-cv-00745-PLF

DECLARATION OF CHRISTIE K. REED REGARDING NOTICE PROCEDURES

I, Christie K. Reed, declare as follows:

1. My name is Christie K. Reed. I have personal knowledge of the matters set forth herein.

2. I am a Vice President of Legal Notification Services at KCC Class Action Services, LLC (“KCC”), a firm that specializes in comprehensive class action services, including legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, claims processing, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. With more than 30 years of industry experience, KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing, claims processing and disbursement requirements of these matters to ensure the orderly and fair treatment of class members and all parties in interest. KCC has been retained to administer more than 7,000 class actions and distributed settlement payments totaling well over a trillion in assets.

3. This declaration details the settlement notice program (the “Notice Plan”) proposed here for the settlement in *National Veterans Legal Services Program, et al. v. United States of America*, Case No. 1:16-cv-00745-PLF.

4. Unless otherwise noted, capitalized terms have the same meaning ascribed to them as in the Settlement Agreement.

EXPERIENCE

5. KCC has administered class action settlements involving such defendants as HP-Compaq, Toyota, LensCrafters, United Parcel Service, Ford, Mitsubishi, Nissan, Whirlpool, ATI Video Cards, and Twentieth Century Fox. Further, KCC has been retained as the administrator in a variety of consumer matters. Some case examples which KCC has been involved with include: *Barba v. Shire U.S., Inc.*, No. 1:13-cv-21158 (S.D. Fla.); *Beck-Ellman v. Kaz USA Inc.*, No. 10-cv-2134 (S.D. Cal.); *Brickman v. Fitbit, Inc.*, No. 3:15-cv-02077 (N.D. Cal.); *Cicciarella v. Califia Farms, LLC*, No. 7:19-cv-08785 (S.D.N.Y); *Elkies v. Johnson & Johnson Services, Inc.*, No. 2:17-cv-07320 (C.D. Cal.); *Friend v. FGF Brands (USA), Inc.*, No. 1:18-cv-07644 (N.D. Ill.); *Holt v. Foodstate, Inc.*, No. 1:17-cv-00637 (D. N.H.); *In re Morning Song Bird Food Litig.*, No. 3:12-cv-01592 (S.D. Cal.); *In re Nexus 6P Products Liab. Litig.*, No 5:17-cv-02185 (N.D. Cal.); *In Re: Rust-Oleum Restore Marketing, Sales Practices and Products Liab. Litig.*, No. 1:15-cv-01364 (N.D. Ill.); *In re Trader Joe’s Tuna Litig.*, No. 2:16-cv-01371 (C.D. Cal.); *Lerma v. Schiff Nutrition International, Inc.*, No. 3:11-cv-01056 (S.D. Cal.); *Morrisey v. Tula Life, Inc.*, No. 2021L000646 (Cir. Ct. Ill.); *Poertner v. The Gillette Co. and The Procter & Gamble Co.*, No. 6:12-cv-00803 (M.D. Fla.); *Rael v. The Children’s Place, Inc.*, No. 3:16-cv-00370 (S.D. Cal.); *Rikos v. The Procter & Gamble Co. (Align Probiotics)*, No. 11-cv-00226 (S.D. Ohio); *Roberts v. Electrolux Home Products, Inc.*, No. 8:12-cv-01644 (C.D. Cal.); *Russell v. Kohl’s Department Stores, Inc.*, No 5:15-cv-01143 (C.D. Cal.); *Schneider v. Chipotle Mexican Grill, Inc.*, No. 3:16-cv-02200 (N.D. Cal.); *Shames v. The Hertz Corporation*, No. 07-cv-2174 (S.D. Cal.); and *Suchanek v. Sturm Foods, Inc.*, No. 3:11-cv-00565 (S.D. Ill.).

NOTICE PLAN DETAILS

6. KCC previously provided notice to approximately 395,081 individuals and entities,¹ identified via PACER billing records, who paid PACER billing fees between April 21, 2010 and April 21, 2016 (“Initial Class Members”). The Parties subsequently agreed to extend the class period through May 31, 2018. The Defendant shall produce additional contact information for approximately 131,694 Class Members who paid PACER fees for the first time between April 22, 2016 and May 31, 2018 (“Additional Class Members”). KCC will identify the total number of unique Initial and Additional Class Members to create a class mailing list, removing Initial Class Members who have already opted out of the Settlement Class.

Individual Notice

7. The Defendant will provide to Plaintiffs the names, postal addresses, email addresses, phone numbers, and PACER-assigned account numbers of all individuals and entities who have paid fees for the use of PACER during the class period (“Notice Data”). Defendant will also provide the “Firm Name” for each of the account-holders.

8. Upon receipt of the Notice Data, KCC will analyze the Notice Data for completeness and notice will be mailed and emailed accordingly.

9. An email notice containing a summary of the litigation and settlement will be sent to all email addresses identified in the Notice Data. The notice content will be included in the body of the email, rather than as an attachment, to avoid spam filters and improve deliverability. The email will contain a link to the settlement website. The email delivery will be attempted three times to maximize the probability that the Class Member will receive it. Initial Class Members who previously received notice will be sent a summary of the litigation and settlement with the right to

¹ “[I]ndividuals and entities” is defined as all PACER users except the following: (1) any user who, during the quarter billed, is on the master Department of Justice list for that billing quarter; (2) any user with an @uscourts.gov email address extension; or (3) any user whose PACER bill is sent to and whose email address extension is shared with a person or entity that received PACER bills for more than one account, provided that the shared email address extension is one of the following: @oig.hhs.gov, @sol.doi.gov, @state.gov, @bop.gov, @uspis.gov, @cbp.dhs.gov, @ussss.dhs.gov, @ircounsel.treas.gov, @dol.gov, @ci.irs.gov, @ice.dhs.gov, @ssa.gov, @psc.uscourts.gov, @sec.gov, @ic.fbi.gov, @irs.gov, and @usdoj.gov. For example, accounting@dol.gov at 200 Constitution Avenue, NW, Washington, DC 20210 receives bills for johndoe1@dol.gov, johndoe2@dol.gov, and janedoe1@dol.gov. None of those email addresses (accounting@dol.gov, johndoe1@dol.gov, johndoe2@dol.gov, and janedoe1@dol.gov) would receive notice.

object. Additional Class Members who did not previously receive notice or right to opt out will receive a summary of the litigation and settlement with the right to opt out or object.

10. A single-postcard notice containing a summary of the litigation and settlement will be sent to postal addresses identified in the Notice Data to Class Members: (1) without an email address; or (2) for whom email delivery was unsuccessful. Initial Class Members who did not previously opt out of the settlement will be sent a single postcard summary notice with right to object. Additional Class Members who did not previously receive notice or right to opt out will be sent a single postcard summary notice with right to opt out or object. Prior to mailing, the addresses in the Notice Data will be checked against the National Change of Address (NCOA)² database maintained by the United States Postal Service (“USPS”); certified via the Coding Accuracy Support System (CASS);³ and verified through Delivery Point Validation (DPV).⁴

11. Notices returned by USPS as undeliverable will be re-mailed to any address available through postal service forwarding order information. For any returned mailing that does not contain an expired forwarding order with a new address indicated, KCC will conduct further address searches using credit and other public source databases to attempt to locate new addresses and will re-mail these notices where possible.

Response Mechanisms

12. KCC will update and maintain a case-specific website, www.pacerfeesclassaction.com, to allow Class Members to obtain additional information and documents about the settlement. Class Members will also be able to view, download, and/or print the Exclusion Request form, the online Exclusion Request form, the Plaintiffs’ Class Action Complaint, Defendant’s Answer, the Order on the Motion for Class Certification, the

² The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

³ Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

⁴ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

Memorandum Opinion on the Motion for Class Certification, the District Court's summary judgment opinion, the Federal Circuit's summary judgment opinion, the Settlement Agreement, the Court's order preliminarily approving the settlement, certifying the class, and approving Plaintiffs' notice plan and notice documents, and any other relevant documents. The website will also include the ability for Class Members to (1) submit an Exclusion Request form online, (2) check the status of their refund check if the Court grants final approval of the settlement, and (3) update their mailing address.

13. KCC will establish a case-specific toll-free number to allow Class Members to call to learn more about the case in the form of frequently asked questions. It will also allow Class Members to request to have additional information mailed to them.

I, Christie K. Reed, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed this 10th day of October, 2022, at Lakewood, California.

A handwritten signature in black ink, appearing to read "Christie K. Reed", written in a cursive style.

CHRISTIE K. REED